9 Principles of the Law of War

Introduction: Why do you need to know the Law of War

- It’s the Law
  - Don’t create an international incident
  - Don’t get charged for a war crime
  - Don’t embarrass the US & limit our policy options

Introduction: Why do you need to know the Law of War

- Reciprocity
  - If US doesn't obey Law of War, enemy won't
  - Even if enemy violates Law of War, US must obey
  - Tet Offensive: VC executed civilians in Hue, but treated US wounded & left them behind

- British soldiers view dead Iraqis – and white flag?

Introduction: Why do you need to know the Law of War

- Maintain Moral High Ground
  - Target is remnants of regime, not the population.
  - Goals:
    - US security
    - Promote democracy
    - Liberate oppressed people
- Iranian man watches bombing of Baghdad

Principle #1: Marines & Sailors fight only Enemy Combatants

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- "Combatant": Anyone engaging in hostilities in armed conflict on behalf of a party to the conflict.
  - We know Iraqis violate Law of War by fighting in civilian clothes.
  - Look for weapon + hostile intent or act

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- Royal Marines capture militia members near Basra

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- Problem is, who is a “Combatant”?
  - Civilians - who act as civilians are not combatants
  - Combatants who become EPWs are not combatants anymore
  - Combatants who are injured and are “out of the fight” are not combatants
  - **Look for weapon + hostile intent or act**

Principle #1: Marines & Sailors fight only Enemy Combatants

- Suicide Attacks: weapon & hostile intent disguised – refer to ROE

Principle #2: Marines & Sailors do not harm enemies who surrender.

- You must disarm enemy and turn them over to your superior.

Principle #2: Marines & Sailors do not harm enemies who surrender.

- But you don't have to risk your life to accept a surrender

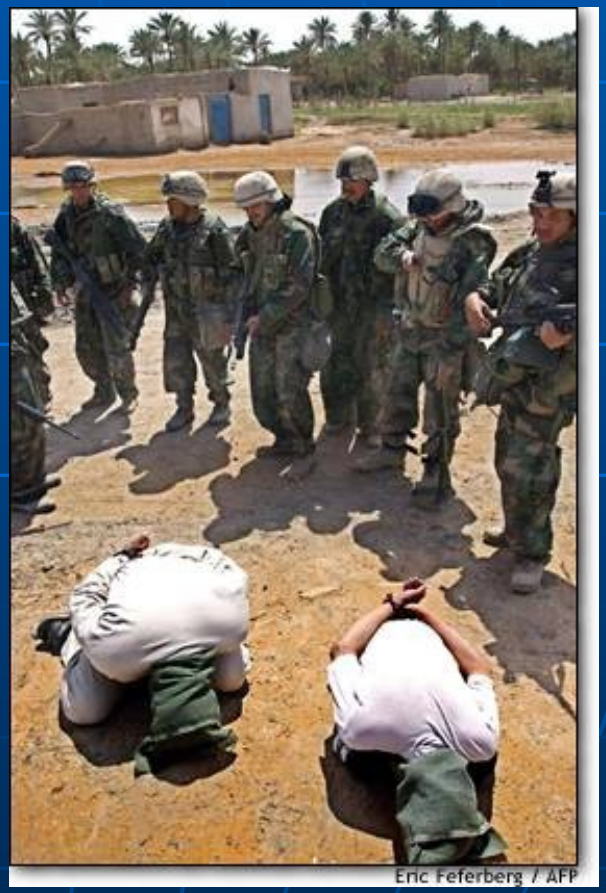
- White Flag = "I'd like to talk."
  - It doesn't mean drop your guard.
  - It doesn't protect the flag bearer if he or his immediate comrades continue to fight.

- We know some Iraqis used white flag to fake surrender and kill Marines.

Principle #2: Marines & Sailors do not harm enemies who surrender.

Safeguard EPW's by:

- Secure (flex-cuffs, comm wire)
- Search (don't be shy)
- Silence (don't let them conspire)
- Segregate (by rank – prevent rebellion)
- Safeguard (protect from harm)
- Speed (to the rear)
- Tag



Principle #2: Marines & Sailors do not harm enemies who surrender.

- Once captured, an EPW deserves protected status.
- You cannot kill or harm an EPW, unless necessary for self-defense.
- Escape attempt? Refer to ROE for force authorized.

Principle #2: Marines & Sailors do not harm enemies who surrender.

- EPW's must be:
  - Treated humanely
  - Provided food & medical attention
  - Protected from violence, intimidation, insults, & public curiosity
  - Detained in safe location & shelter
    - Allow to retain own helmets & gas mask
    - If possible, provide such gear
  - Not punished for lawful combatant acts performed before capture

Principle #3: Marines & Sailors do not kill or torture prisoners

al-Jazeera via MSNBC TV

Wally Santana / AP

Principle #3: Marines & Sailors do not kill or torture prisoners.

- Don’t commit a war crime.
  - Killing & Torturing enemy prisoners won’t break the enemy’s will to fight.
  - EPW’s must be safeguarded.
    - If there’s no other option, EPW may be left behind.
    - You can’t kill them and move on.
  - No torture
    - USMC has trained interrogators.
    - Torture is war crime, and produces unreliable information.

Principle #4: Marines & Sailors collect and care for the wounded, whether friend or foe.

- US has proud tradition of not leaving our own behind.
- Law requires us to also care for enemy wounded:
  - But only after you're satisfied they aren't resisting anymore
  - Law requires most serious wound gets treated first, regardless of nationality
  - Enemy Dr.'s may continue to treat their own wounded

Principle #4: Marines & Sailors collect and care for the wounded, whether friend or foe

- Marines evac fellow Marine
- 1st Aid & evac for wounded Iraqi

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"Many Americans have seen the picture of Marine **Lance Corporal Marcco Ware** carrying a wounded Iraqi to safety for medical treatment."

"**That's a picture of the strength and goodness of the U.S. Marines**. That is the picture of America. People of the United States are proud of the honorable conduct of our military, and I'm proud to lead such brave and decent Americans."

President G. W. Bush

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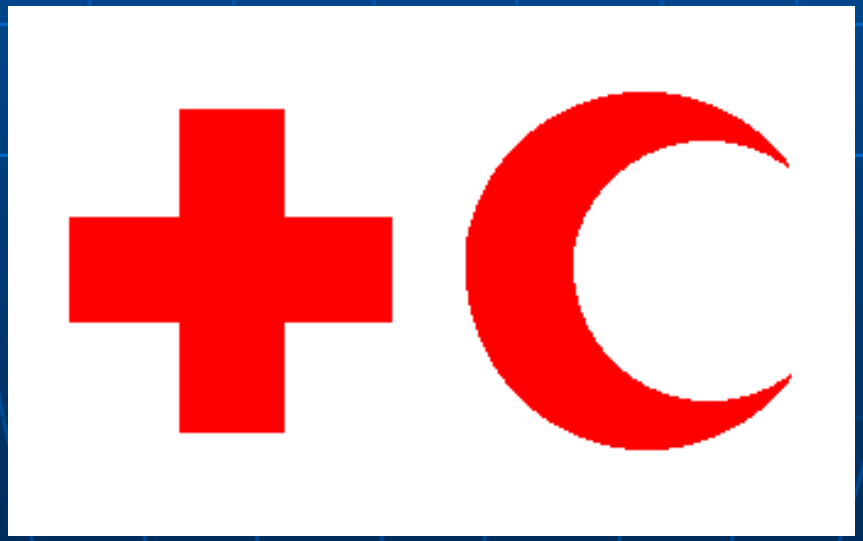
- KIA: Obligation to collect & protect the wounded extends to the dead.

Principle #4: Marines & Sailors collect and care for the wounded, whether friend or foe

- We must:
  - Respect bodies – no cutting off ears (Vietnam), hands (Desert Storm), posing for photos, etc.
  - Only take weapons & intel material
  - Leave enemy bodies where they can be found and ID’ed by enemy authorities or families
- No requirement to bury enemy KIA if not practicable; mark graves if you do.

Principle #5 Marines & Sailors do not attack medical personnel, facilities, or equipment

- ID'ed by Red Cross or Red Crescent on white background
  - Israel uses Red Star of David



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- Hospitals don’t lose protected status if armed strictly for defense against unlawful combatants:
  - OK for hospital to have armed sentries, doc’s to have side-arms
  - Not OK to co-locate hospital with weapons system, or to hide military supplies there.

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- Medical symbols can be misused:
  - Medical personnel lose protected status if they take direct role in combat
  - Marked ambulance vehicles should not be armed (No gun allowed on BMP w/ Red Crescent)
- Iraqi's violated law by storing weapons caches, NBC supplies, & locating armored vehicles in hospitals

Principle #6: Marines & Sailors destroy no more than the mission requires.

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- Minimize collateral damage:
  - Protect private civilian property.
  - Protect historic and cultural sites.
  - Remember:
    - Our focus is remnants of the Iraqi regime, not the people.
    - The more you destroy in battle, the more we'll have to help rebuild in peace.

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- Statues & images of Saddam are not historic & cultural artifacts entitled to protection.
- They are symbols of the regime – whose destruction is the mission.

- British Engineer

Principle #7: Marines & Sailors treat all civilians humanely.

- Be aware Iraqi combatants are wearing civies.
- But true civilians must be respected:
  - Never intentionally target civilians.
  - You don’t have to stop your mission to care for them.
  - But do help civilians if safe to do so & it doesn’t interfere with your mission.

Principle #7: Marines & Sailors treat all civilians humanely.

Timothy Fadek / Polaris

Damir Sagolj / Reuters

Itsuo Inouye / AP

Oleg Popov / Reuters

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- HUMAN SHIELDS: Iraqis are attacking with women & children in front – what to do?
  - Defend yourself
  - Don’t intentionally target innocent civilians
  - Target combatants
    - If innocents are killed that is unfortunate
    - But Iraqi soldiers & Fedayeen committed the war crime, not you
    - **You’re always allowed to defend yourself against imminent threat**

Principle #8: Marines & Sailors do not steal. We respect private property and possessions.

- We won’t win any hearts & minds by stealing from Iraqis who have little

Principle #8: Marines & Sailors do not steal. We respect private property and possession

- War trophies:
  Generally not allowed.

- EPW's:
  - Allow them to keep protective gear
  - Confiscate weapons, intel, etc. – inventory & turn over to superior. You cannot keep.

Principle #8: Marines & Sailors do not steal. We respect private property and possessions.

- **Temporary** use of **private** property OK if militarily necessary & your superior authorizes.
  - Exp.: you need local's car to transport wounded, or his fuel for your vehicle.
- Document & report what you take.
  - Try to return the property, or
  - Notify superiors so civilian may later be compensated.

Principle #8: Marines & Sailors do not steal. We respect private property and possessions.

- **Public, government property** may be taken & used if militarily necessary
  - OK to make Baath Party HQ your CP
  - You may use enemy weapons if necessary
    - But must change Iraqi markings to US
    - Chain of Command may not allow

- Marine inspects Naval HQ at Umm Qasr

Principle #9: Marines & Sailors do their best to prevent & report violations of the law of war.

- We must report all violations of the law of war to their superior.
  - Iraqis have largely disregarded Law of War.
  - President has warned Iraqis we will prosecute those responsible for war crimes.
  - Can only do that if you report evidence you see.

Principle #9: Marines & Sailors do their best to prevent & report violations of the law of war.

- Loyalty to fellow American is vital – but not if he or she becomes a war criminal.
- Foremost loyalty is to USA – report any war crimes you see, whether by enemy or US forces.
- Report to chain of command, judge advocate, or chaplain.

Summary

- Know & obey the Law of War because:
  - It’s the law
  - To promote reciprocity
  - Help US maintain moral high ground
- Kill the enemy who resists
- Humanely treat enemy you capture
- Once you’re satisfied a civilian poses no threat – safeguard & respect their property

QUESTIONS?

Simon Walker - Pool / Reuters

Jon Mills - Pool / AP

Odd Andersen / AFP